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6                   **UNITED STATES DISTRICT COURT**  
7                   **WESTERN DISTRICT OF WASHINGTON**  
8                   **AT SEATTLE**

9                   MICHAEL ANTHONY PIÑA,

10                  Case No. 08-CV-0511-MJP-JPD

11                  Petitioner,

12                  **ORDER OF DISMISSAL**

13                  v.

14                  ELDON VAIL, et al.,

15                  Respondents.

16                  The Court, after careful consideration of Petitioner's 28 U.S.C. § 2254 petition for writ  
17                  of habeas corpus, the Report and Recommendation of the Honorable James P. Donohue, the  
18                  governing authorities and the balance of the record, does hereby find and ORDER:

- 19                  (1)     The Court adopts the Report and Recommendation.  
20                  (2)     The Court has reviewed Petitioner's Objections. (Dkt. No. 21.) First, the  
21                  Court agrees with Magistrate Judge Donohue's conclusion that the majority of  
22                  Petitioner's grounds were not properly exhausted at the state level. (See Dkt.  
23                  No. 18 at 6-8.) Second, the Court agrees with Magistrate Judge Donohue's  
24                  conclusion that McKune v. Lile, 536 U.S. 24 (2002), disposes of Petitioner's  
25                  objections related to his polygraph examination.  
26                  (2)     The habeas petition is DENIED and this case is DISMISSED with prejudice.

- (3) Petitioner's motion for leave to amend post-conviction complaints (Dkt. No. 16) is DENIED.
- (4) The Clerk is directed to send copies of this Order to all counsel of record and to Judge Donohue.

DATED this 9th day of May, 2009.

  
Marsha J. Pechman  
United States District Judge